

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**DANIEL GEORGE CORRING**

**PLAINTIFF**

**v.**

**CAUSE NO. 1:11CV262 LG-RHW**

**PEARL RIVER COUNTY, ET AL.**

**DEFENDANTS**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
AND DISMISSING BRENDA MONZON WITHOUT PREJUDICE**

This cause comes before the Court on the Report and Recommendation [61] of United States Magistrate Judge Robert H. Walker entered in this cause on May 16, 2012. Magistrate Judge Walker reviewed the procedural history of this case, noting the difficulties Plaintiff encountered in identifying, locating and serving each named defendant with process. Magistrate Judge Walker allowed extra time and enlisted the help of counsel for Pearl River County in order to assist Plaintiff in serving these defendants. The efforts were somewhat successful, as one additional defendant was served. However, after making several attempts to serve Brenda Monzon, the U.S. Marshal returned the summons unexecuted. Magistrate Judge Walker now recommends that Plaintiff's claims against Brenda Monzon be dismissed without prejudice for failure to serve process as required by FED. R. CIV. P. 4(m).

Plaintiff objects to this recommendation, requesting that the Court contact Brenda Monzon by telephone, or that the claims against her be allowed to proceed in abstensia. Rule 4(m) permits a district court to dismiss a case without prejudice if the plaintiff fails to serve the defendant within 120 days of filing the complaint.

*Millan v. USAA Gen. Indem. Co.*, 546 F.3d 321, 325 (5th Cir. 2008). The Plaintiff was expressly warned during the omnibus hearing that it was not the responsibility of the Court or defense counsel to locate the people he desired to join in his lawsuit. He has provided no new information as to where Brenda Monzon may be served with process. More than 120 days have passed since Plaintiff's amended complaint naming Monzon was filed. The Court therefore finds that the claims against her should be dismissed.

**IT IS THEREFORE ORDERED AND ADJUDGED** that the Report and Recommendation [61] of United States Magistrate Judge Robert H. Walker entered in this cause on May 16, 2012, should be, and the same hereby is, adopted as the finding of this Court.

**IT IS FURTHER ORDERED AND ADJUDGED** that the Plaintiff's claims against Brenda Monzon are **DISMISSED** without prejudice pursuant to FED. R. CIV. P. 4(m).

**SO ORDERED AND ADJUDGED** this the 3<sup>rd</sup> day of July, 2012.

s/ *Louis Guirola, Jr.*  
LOUIS GUIROLA, JR.  
CHIEF U.S. DISTRICT JUDGE